

C. APPLICANT'S COMMENTS

Claim 27 is pending in this Application, with Claim 27 being amended and Claims 28-32 being canceled and Claim 33 added. No new matter is added by way of these amendments, and the amendments are supported throughout the Specification and the drawings. Reconsideration of Claim 27 and favorable consideration of Claim 33 is respectfully requested.

Regarding the Office Action's rejection of Claim 27 under 35 U.S.C. 112, first paragraph, the applicant makes the following statements:

- **Silica on Walls.** Page 15, lines 6-10 discusses the collection of the silica on the inner walls of the secondary combustion chamber and the draining of the same into the silica collector.
- **"At Least 2000 F".** The Applicant respectfully submits that the statement "at least 2,000 degrees Fahrenheit" is a proper range and is fully supported in the Specification (page 15, lines 2-3.). This is not an open ended range as one skilled in the art is able to determine what range of temperature that is being claimed. The Applicant is unaware of any rule or case law that prevents the inclusion of this feature in the claims and respectfully requests citation in support of the same by the Examiner if the rejection is maintained.
- **"Such As".** The "such as" language has been removed from the claim and replaced with "including".

Regarding the rejection of Claim 27 under Sage (U.S. Patent No. 2,971,480), the Applicant respectfully submits that Sage is a "cyclone furnace" which is non-analogous to the present invention. A cyclone furnace is designed for burning coal for achieving maximum combustion efficiency by mixing coal particles and air together with sufficient turbulence to

provide fresh air to the surfaces of the coal particles. The Applicant's invention is not a cyclone furnace and the problem the present inventor was involved with (i.e. removing silica from the burning of biomass) is not reasonably related to the cyclone furnace of Sage which is intended solely to increase the energy efficiency.

In addition, the Applicant respectfully submits the following:

- **No Secondary Combustion Chamber.** Sage does not disclose a secondary combustion chamber. Sage teaches a single burning stage at the burner (58) with no secondary combustion or secondary combustion chamber.
- **No Agitator.** Sage does not disclose any device that agitates the material. Sage merely discusses the usage of air movement to move the coal particles and not the claimed structure of the present invention.
- **No Oxygen Mixer.** Sage does not disclose an oxygen mixer utilized after a primary combustion but before a secondary combustion. This is a significant feature of the invention required to achieve the higher temperatures.
- **No Silica Collector.** There is no silica collector in Sage. In addition, Sage only has a byproduct of "slag" which is not silica.

These are all significant features that are not present within Sage or the prior art references cited previously. It should be noted that the Applicant has amended independent Claim 27 to include additional features not shown by Sage or the other references.

Hence, the Applicant respectfully submits that Sage does not teach or suggest all of the features in independent Claim 27 as filed and particularly now as amended. In addition, the Applicant respectfully submits that the features of Claim 27 as filed and as amended are not obvious in view of Sage. The Applicant requests allowance of independent Claims 27 and 33.

D. CONCLUSION

In light of the foregoing amendments and remarks, early reconsideration and allowance of

this application are most courteously solicited. Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully asked that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. Alternatively should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, they are invited to telephone the undersigned.

Respectfully submitted,

/s/ Michael S. Neustel
Michael S. Neustel (Reg. No. 41,221)
NEUSTEL LAW OFFICES, Ltd.
2534 South University Drive, Suite No. 4
Fargo, North Dakota 58103

January 11, 2007
Date

Telephone: (701) 281-8822
Facsimile: (701) 237-0544
e-mail: Michael@neustel.com

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being filed electronically on January 11, 2007.

/s/ Jason Gilbert

Jason Gilbert

NEUSTEL LAW OFFICES, Ltd.
2534 South University Drive, Suite No. 4
Fargo, North Dakota 58103

Telephone: (701) 281-8822
Facsimile: (701) 237-0544